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Remarks:

Regarding the objection to informalities in the specification:

The objection as to the text at page 8, lines 5-8 pointed out by the Examiner have been addressed in the foregoing amendments.

Regarding the rejection of claims 1-15, 18-19 under 35 USC 102(h) in view of US 6221823 to Crisanti:

The applicants respectfully traverse this rejection in view of the Crisanti reference.

Whereas the Examiner points out that the Crisanti reference lists a number of constituents which are also recited in the applicant's specification, the applicant points out that presently amended claim 1 distinguishes over the Crisanti reference. Nowhere in the Crisanti reference is there any disclosure of for that matter, even the suggestion of fungistatic effectiveness.

The Examiner is respectfully reminded that with regard to any rejection based on obviousness under 35 USC §103(b), MPEP section 2143 states that three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. See, *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); *In re Rouffet*, 149 F.3d 1350, 1355-56 [47 USPQ2d 1453] (Fed. Cir. 1998).

As Crisanti fails to disclose fungistatic effectiveness of his compositions, which limitation has been introduced into the independent claim1, claim 1 is properly

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considered novel over the Crisanti reference. Accordingly reconsideration of the grounds of rejection under 35 USC 102(b) is respectfully requested.

Regarding the rejection of claims 16 and 20 under 35 USC 103(a) in view of US 6221823 to Crisanti:

The applicants respectfully traverse the present rejection in view of the Crisanti reference.

With regard to the rejection of claim 16, in view of the amendments to claim 1 from which this claim depends which claim is believed to render that claim to be both novel and non-obvious over the prior art, the present dependent claim 16 is likewise believed to be novel and non-obvious as it incorporates the same limitations of claim 1.

With respect now to claim 20, in view of the amendments to claim 1 from which this claim depends which claim is believed to render that claim to be both novel and non-obvious over the prior art, the present dependent claim 20 is similarly also believed to be novel and non-obvious as it incorporates the same limitations of claim 1

Should the Examiner believe that telephonic communication will advance the prosecution of the present application they are invited to telephone the undersigned at their convenience.

CONDITIONAL AUTHORIZATION FOR FEES

Should any further fee be required by the Commissioner in order to permit the timely entry of this paper, including any extension of time fees, the Commissioner is authorized to charge any such fee to Deposit Account No. 14-1263.

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Respectfully Submitted;

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27 July 2006

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Certification of Telefax Transmission:

I hereby certify that this paper is being telefax transmitted to the US Patent and
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27 July 2006

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